

1.4 The site is within the Strensall development envelope. The Strensall Railway Buildings Conservation Area ends at the Junction of Brecks Lane and Park Gate. The land to the north is defined as open space in the Proposals Maps of the City of York Development Control Local Plan.

1.5 Cllr Doughty has requested the application come before Committee on the grounds of the objections raised by the Parish Council and the nearby residents.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP4A
Sustainability

CYGP1
Design

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYH4A
Housing Windfalls

CYED4
Developer contributions towards Educational facilities

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 Highway Network Management - No objections:-
Request 8 standard highway Conditions and an Informative

3.2 Structures And Drainage - No objections

3.3 Environmental Protection Unit - No objections

- The facade of the proposed development facing onto Brecks Lane is within close proximity to a railway line. There are two proposed dwellings within this development that will look directly onto the railway line, these two properties will experience noise associated with the railway line should approval be given to this application. The submitted acoustic report outlined that the railway line and noise associated with it is the dominant noise source for the area. The report also recommends acoustic development to ensure that this noise does not affect the amenity of the proposed occupants. It also recommends that a condition be placed onto the permission to ensure that the developers adhere to the recommendations of the report. EPU records show the proposed development lies within a former landfill site. Due to the sensitive end-use of this development EPU request contaminated land conditions

3.4 Lifelong Learning And Leisure - No objections

Communities and Culture comments - as there is no on-site open space commuted sums should be paid to the Council based on the net gain in bedrooms for (a) amenity open space - which would be used to improve the local open space within the Parish (b) play space - which would be used to improve the local play provision within the Parish (c) sports pitches - which would be used to improve a facility within the North Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is based on the latest York formula through a Section 106 Agreement.

3.5 Adults, Children and Education

- A contribution of £17,559 would be required for this development, to fund 1 additional place at the local secondary school (Huntington).
- Expect pupil roll figure for Robert Wilkinson primary school to be approx 549 after the September intake, so there would be potentially be surplus spaces at the school. The figure does not include possible migration by pupils into and out of the school.
- The local secondary school (Huntington) is full to capacity; the school has 1192 on roll and a capacity of 1195 (not including the sixth form). There also a number of other developments in the Huntington catchment area which expect to yield additional secondary school places.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

3.6 Yorkshire Water - No objections based on Drawing Number 1482/PL/01/B

3.7 Foss Internal Drainage Board - Would like conditions for: surface water drainage works; feasibility of sustainable urban drainage systems; permission is sought from water company regarding the discharge of surface water to sewer. Would like an informative regarding the Land Drainage Act, and any potential outfall to a watercourse.

3.8 Police Architectural Liaison Officer - No objections

3.9 Strensall Parish Council - Object to original application (No comments have been received regarding the revised proposal)

- This development contravenes GP1 and GP10 as it is considered there will be a considerable loss of amenity to neighbouring properties

- There is no detailed drainage report for attenuation of surface water drainage in accordance with PPS25

- There has been no survey of the contaminated land to the rear as was required for application 10/01839 for the adjacent site of 1 Brickyard Cottages or for 10/02854 for 2 Redmayne Square which is also adjacent to the contaminated land. The requirements of PPS 23 must be taken into consideration.

- The access road is inadequate in size and appears to be a shared private drive which means that refuse and recycling will be on the roadside causing obstruction to pedestrians. There are no turning areas within the site for vehicles which will inevitably result in conflicting reversing movements.

- There are no footpaths shown on the plans to any properties at the rear of the site. Highways should be consulted in regard to the egress of motor vehicles from the properties fronting Brecks Lane.

- In accordance with GP24a have concerns regarding the capacity of the primary and secondary schools, medical services and other amenities in the village when recently approved applications and others under construction within Strensall are taken into account with the proposed development. Under Construction - 34 Westpit Lane (07/01747/FUL), 5 Northfields x 3 (10/01784), 31 Southfields Road (06/00591/REM). Built and now sold (36 The Village x 3). Approved but not yet built – Ox Carr Lane (10/01553/FUL), Sevenoaks (10/02606/FUL), 1 Brickyard Cottages (10/01839/FUL, 2 Redmayne Square (10/02854/FUL), Helmsdale (10/02147/FUL), The Grange Towthorpe (10/02764/FUL), Golden Grove Cottage (10/02335/FUL), 28 West End (08/01309/FUL)

3.10 4 Letters of Objection (to revised scheme)

- Revised proposal show a cramped development

- Will be overbearing

- Cause overshadowing

- Cause a loss of privacy and overlooking
- Loss of outlook
- Amenity will be affected during the construction of the proposed dwellings
- Construction traffic will cause a safety issue to those using the pavement on Brecks Lane
- The proposed development will cause the dwellings on Littlethorpe Close to be less secure
- The variety of birdlife in the gardens of Littlethorpe Close will be lost due to the construction
- No bat survey been undertaken
- The primary school is oversubscribed and a further 8 family dwellings may worsen the situation
- The contamination report mentioned the possibility of further contamination. CYC should provide evidence that occupants of neighbouring dwellings will not be affected
- Loss of a family size dwelling with secure garden
- Result in a loss of value to neighbouring properties
- Existing traffic congestion issue on Brecks Lane, the proposed development will worsen the situation
- There is existing problems with the drainage and a further 8 dwellings will exacerbate the problem
- Revised plans do not alter initial objections to the proposed scheme

3.11 21 Letters of objection to the original scheme (including 5 letters from one objector, and 3 letters from another objector)

- Concerned regarding the increase in traffic to Brecks lane which suffers from existing congestion issues. Existing parking problems on Brecks Lane and the bus stop on Park Gate exacerbates the problems. Potential for 16 additional vehicles to the existing traffic issues
- The primary school is at full capacity and further children could not be accommodated at the school and potential for the same at secondary school
- Local amenities are inadequate to support further development
- The proposed dwellings are substantial in height, would cause a sense of enclosure, would be overbearing and would result in a loss of outlook, and light
- Proposal would appear cramped and overdeveloped
- Cause overlooking and a loss of privacy
- No daylight and sunlight assessment been submitted
- Concerned that construction would cause a loss of biodiversity in the area
- The site is not underused and provides a purpose as a family home
- There would be three additional exits onto Brecks Lane, cause safety issue to the users of the pavement
- Noise and Vibration test states that Brecks Lane is a no-through road, this is not the case. The assessment should have been carried out over a few days rather than one to gain a fuller picture

- Do not want the height of the boundary wall to be increased in height, concerned regarding who would have the maintenance of the boundary wall
- Not in keeping with the pattern of development
- Would de-value surrounding properties
- Concerned some of the dwellings may be let as affordable housing
- Construction would cause disturbance
- Existing drainage problems
- Policy GP24a, there is 6ha of reserved land to the north, under current guidelines for urban density there should potentially be 180 dwellings on the site the access route would be Brecks Lane should be taken into consideration
- The potential future development of a railway station to the front of the existing property would be impacted upon by the proposed development
- Proposed development would be 2 to 3 times the density of the surrounding development. Would cause a built up development at odds with the surrounding
- challenge the validity of the contamination report, the bore holes are not in areas where foundations will be constructed
- Concerned that there is not sufficient soft landscaping
- No bat survey been undertaken?
- Existing problems with water pressure in the area
- Adjacent to a conservation area
- Garden development should be assessed against PPS3
- Has the potential to be sold as a dwelling
- Traffic survey should include the impact of the additional traffic on the Brecks Lane development, survey was undertaken before the builders yard came into use
- Proposed development may cause further traffic congestions which prevents the development of the reserved land
- Concerned that the proposed development will lead to further development in the area
- What provision has been made for surface water?
- The planning application process is being manipulated to minimise the objection period

4.0 APPRAISAL

4.1 Key Issues:-

- Visual impact on the area
- Impact on neighbouring property
- Contamination
- Noise
- Highways
- Drainage
- Open Space and Education Contribution

PLANNING POLICY

4.2 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.3 PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development.

4.6 The relevant development plan is The City of York Council Draft Deposit Local Plan, which was placed on Deposit in 1998. Reflecting points made, two later sets of pre inquiry changes (PICs) were published in 1999. The Public Local Inquiry started in 1999 but was suspended by the Inspector for further work to be done on the Green Belt. A Third Set of Changes addressing this further work was placed on deposit in 2003. Subsequently a fourth set of changes have been drafted and approved by Full Council on 12th April 2005 for the purpose of making Development Control Decisions, on the advice of the Government Office of Yorkshire and Humber (GOYH).

VISUAL IMPACT ON THE AREA

4.7 Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 of the Draft Local Plan states that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment.

4.8 The surrounding dwellings are predominately 3 to 4 bedroomed dwellings. The existing character of the area is detached and semi-detached dwellings and the proposed development is considered to accord with the existing development pattern. The design of the proposed dwellings is simple and relatively modest, and is not considered to be out of keeping with the surroundings

4.9 The density of the development of the site is approx. 40 dwellings per hectare. Whilst it appears to be slightly denser than the neighbouring Littlethorpe Close, recent changes to PPS3 have removed the blanket minimum density requirement of 30 dwellings per hectare. Instead, it is for the planning authority to determine appropriate densities for particular sites and to set out a range of densities for the plan area. The Local Plan sets out three such levels for its plan area, with development aiming to achieve a density greater than 60 dwellings per hectare in the city centre, 40 dwellings per hectare in urban areas and 30 dwellings per hectare elsewhere in York (Policy H5a). The requirement for this site would be a density greater than 40 dwellings per hectare; the proposed density of the site is not considered to be out of keeping with the surrounding character and pattern of development and as such is considered to be acceptable.

4.10 The proposed dwellings fronting onto Brecks Lane would be no further forward than the existing 12 to 18 Brecks Lane. The proposed dwellings would be 8.15 metres in height slightly taller than the neighbouring 12 and 14 Brecks Lane (approx 7.8 metres), although further along Brecks Lane there are dwellings of a slightly taller height (approx 8.3 metres). In addition the gable roofs of the proposed dwellings slope away from the Brecks Lane. The neighbouring dwelling to the south west – Brickyard House, Brecks Lane is approx 7.9 metres in height (measurement taken from applicant's topographic survey). Units 3, 4, 7, and 8 would be 8.85 metres in height and Units 5 and 6 would be 8.3 metres in height. The variation in height within the development is not considered to cause harm to visual amenity and character of the area and is not considered to negatively impact the Brecks Lane streetscene, nor make it unduly prominent in the surrounding area. The dwelling

heights vary within Littlethorpe Close (although the maximum height is approx 8.3 metres). The dwellings in this part of Brecks Lane also vary in height although the scale is modest. By virtue of the variety of designs and heights in Brecks Lane and the surrounding the proposed dwellings are not considered to be unduly prominent or cause undue harm to the visual amenity of the streetscene.

IMPACT ON NEIGHBOURING PROPERTY

4.11 The distance between the dwelling on Plot 1 and the closest dwelling (12 Brecks Lane) would be 8.7 metres (side elevation to side elevation) not including garages. The side elevation of No. 12 has a first floor landing window (secondary room). The proximity of the proposed dwelling to 12 Brecks Lane is not considered to cause a loss of residential amenity to the occupants of the 12 Brecks Lane by virtue of the siting of the dwelling.

4.12 The distance between Plots 5, 6, 7, and 8, and 1, 3, and 5 Littlethorpe Close to the east would be over 21 metres. Apart from the distance between 3 Littlethorpe Close and the dwelling on Plot 7, the distance would 20.3 metres. However this would be at a slightly oblique view and the parking spaces for Plots 6 and 7 and the garage for 7 would be directly to the rear of 3 Littlethorpe Close. All the primary rooms in the proposed dwellings would be on the ground floor; this seems to be the case for the dwellings on Littlethorpe Close as well. There is an existing 1.8 - 2 metre high brick wall along this boundary. It is not clear from the plans if this is being retained, although further details can be sought via a condition. Boundary treatment of a similar nature to the existing would provide screening for the existing dwellings and the proposed dwellings. By virtue of the distance the proposed dwellings are unlikely to cause an undue loss of light and privacy, or be overbearing.

4.13 The dwelling on Plot 5 would be built close to the rear boundary shared with 15 Littlethorpe Close. The side elevation would face No. 15 and the distance between the dwellings would be 14 metres. There are no windows proposed in the side elevation of Dwelling 5. By virtue of the siting, (not directly in the view of the primary rooms), the distance is considered to be acceptable and not result in an undue loss of amenity. Whilst it would create a degree of enclosure and some overshadowing it is not considered to result in a significant loss of residential amenity to warrant refusal on this basis.

4.14 The front of the dwellings proposed on Plots 3 and 4 would face the rear elevation of Brickyard House. The distance between them would be 25.5 metres which is considered to be sufficient to remove any impact to the residential amenity of the occupants of this dwelling. In addition a 2 metre high wall would be built along the boundary creating privacy and screening.

4.15 The proposed development would alter the outlook to the dwellings on Littlethorpe Close. However it is not considered to result in its or unacceptable

reduction. The proposed dwellings, by virtue of their distance to the neighbouring dwellings, would not result in an undue loss of light, overshadowing, or a sense of enclosure to the neighbouring dwellings.

CONTAMINATION

4.16 The Environmental Protection Unit have concerns regarding contamination of the site as the proposed development lies within a former landfill site, EPU require additional information over the contamination report submitted. They have requested that this information and remediation of the site to be sought via condition.

NOISE

4.17 The Environmental Protection Unit have concerns regarding the amenity of the future occupants of Plots 1 and 2 from the noise created by the railway to the south of the site. The proposed dwellings are no closer than surrounding dwellings to the railway line, and any future occupiers would be aware of the railway line. However it is considered reasonable to condition sound attenuation measures for these two dwellings to mitigate against any noise impact.

HIGHWAYS ISSUES

4.18 Units 1 and 2 front onto Brecks Lane and have direct vehicular and pedestrian access to Brecks Lane, access to Units 3 to 8 would be from a private lane running close to the boundary with Brickyard Cottage. There have been objections from neighbours regarding the additional car journeys generated by the development potentially increasing congestion in the area, and creating a danger to pedestrians. Officers consider that the proposed access accords with council standards in terms of width and visibility and is appropriate for its expected usage. The traffic generated by a net increase of 7 dwellings would have a minimal impact on the surrounding highway network. Parking provision and turning for vehicles would be in accordance with council standards. External cycle storage is to be provided for the dwellings without garages.

DRAINAGE

4.19 Objections have been raised from the occupants of neighbouring dwellings regarding the drainage of the site. Structures and Drainage have no objections. Yorkshire Water has removed their initial concerns as the revised plans show separate systems of drainage.

SUSTAINABILITY

4.20 The site is within easy access of existing facilities in the area, including a primary school, shops, and health services. The site is also close to a regular bus route to York City Centre.

4.21 The plans have stated that the dwelling will be built to Level 3 of Code for Sustainable Homes and it is considered that it would be prudent to secure this by condition. In line with CYC Interim Planning Statement 'Sustainable Design and Construction' for developments of 5 dwellings and above 10% of energy will be expected to be produced on site, it is considered that this can be sought via a condition.

OPEN SPACE AND EDUCATION CONTRIBUTION

4.22 It is recommended that a condition be attached that requires alternative provision for open space or a commuted sum to be paid in lieu of such provision in line with Policy L1c. The applicant has indicated agreement to provision off-site, likely to be via a S106 payment of £13,196.

4.23 In accordance with Policy ED4 and the CYC supplementary planning guidance 'Developer Contributions to Educational Facilities' the Council is seeking an educational contribution of £17,559 for the provision of one additional space at Huntington Secondary School. It is considered that the contribution could be secured via a condition.

5.0 CONCLUSION

5.1 For the above reasons the proposed residential development of 8 dwellings is not considered to result in undue harm to the residential amenity of the occupants of the neighbouring dwellings. The proposed development is considered to be in keeping with the character and surrounding pattern of development, and would not be unduly prominent within the streetscene of Brecks Lane. The proposal is considered to comply with local and national policy. Approval is recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Number 1482/PL/01/B received 13 July 2011

Drawing Number 1482/M'ham/01B received 24 August 2011

Drawing Number 1482/Bedale/01/B received 24 August 2011

Drawing Number 1482/Hepton/01 received 4 April 2011

Drawing Number 1482/Spode/01 received 4 April 2011

Drawing Number 1482/P7G/01 received 30 June 2011;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

2 TIME2 Development start within three years -

3 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £13,196.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

4 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in

the interests of the sustainable development of the city in accordance with Policy C6 of the Development Control Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £17,559. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

5 The development hereby approved shall be constructed to at least Level 3 of the Code for Sustainable Homes (CSH). A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve level 3 of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

6 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 10 per cent of the development's predicted energy requirements. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

7 VISQ8 Samples of exterior materials to be app -

8 VISQ7 Sample panel ext materials to be approv -

9 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

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A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 The building envelope of all buildings with a facade onto Brecks Lane shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To Protect the amenity of the residents of the proposed development

12 HWAY9 Vehicle areas surfaced -

13 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb/footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

14 HWAY19 Car and cycle parking laid out -

15 HWAY21 Internal turning areas to be provided -

16 HWAY25 Pedestrian visibility splays protected -

17 HWAY40 Dilapidation survey -

18 VISQ4 Boundary details to be supplied -

19 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) following the completion of the development hereby approved, no further extensions or curtilage buildings of the type described in Classes A and B of Schedule 2 Part 1 of that Order shall be carried out to the dwelling without the prior planning permission of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

20 PD5 No openings in side elevation -

21 Notwithstanding the submitted plans and prior to the commencement of the development hereby permitted full details of the method and design of the system of street lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to protect the amenities of neighbours and the character and appearance of the area from excessive illumination.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the dwellings and the locality, and highway safety. As such, the proposal complies with Policies GP1, GP10, H4a, ED4 and L1c of the City of York Council Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and Planning Policy Statement 3 "Housing".

2. HIGHWAYS INFORMATIVE

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available from City Strategy at 9 St Leonard's Place or at:

<<http://www.communities.gov.uk/publications/planningandbuilding/partywall>>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over,

or accessing land which is not within your ownership).

4. ENVIRONMENTAL PROTECTION UNIT INFORMATIVE

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

5. YORKSHIRE WATER INFORMATIVE

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0845 120 84 82, Fax 01274 303 047) at

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the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

6. STATUTORY UNDERTAKERS

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

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